

SENATE, No. 2214

[November 17, 2009 - Text of the Senate amendment (Ways and Means) to the House extending simulcasting H 4315]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

1 **SECTION 1.** The first paragraph of section 12A of chapter 494 of the acts of 1978 is
2 hereby amended by striking out the words “and until December 31, 2009”, inserted by section 1
3 of chapter 290 of the acts of 2008, and inserting in place thereof the following words:- and until
4 July 31, 2010.

5 **SECTION 2.** The last paragraph of said section 12A of said chapter 494 is hereby
6 amended by striking out the words “December 31, 2009”, inserted by section 2 of said chapter
7 290, and inserting in place thereof the following words:- July 31, 2010.

8 **SECTION 3.** The introductory paragraph of section 13 of chapter 494 is hereby amended
9 by striking out the words “and until December 31, 2009”, inserted by section 3 of said chapter
10 290, and inserting in place thereof the following words:- and until July 31, 2010.

11 **SECTION 4.** Section 15 of said chapter 494 is hereby amended by striking out the words
12 “and until December 31, 2009”, inserted by section 4 of said chapter 290, and inserting in place
13 thereof the following words:- and until July 31, 2010.

14 **SECTION 5.** The first paragraph of section 9 of chapter 277 of the acts of 1986 is hereby
15 amended by striking out the words “and until December 31, 2009”, inserted by section 5 of said
16 chapter 290, and inserting in place thereof the following words:- and until July 31, 2010.

17 **SECTION 6.** The first sentence of the first paragraph of section 3 of chapter 114 of the
18 acts of 1991 is hereby amended by striking out the words “and until December 31, 2009”,
19 inserted by section 6 of said chapter 290, and inserting in place thereof the following words:- and
20 until July 31, 2010.

21 **SECTION 7.** The last paragraph of said section 3 of said chapter 114 is hereby
22 amended by striking out the words “December 31, 2009”, inserted by section 7 of said chapter
23 290, and inserting in place thereof the words:- July 31, 2010.

24 **SECTION 8.** The first paragraph of section 4 of said chapter 114 is hereby amended by
25 striking out the words “and until December 31, 2009”, inserted by section 8 of said chapter 290,
26 and inserting in place thereof the following words:- and until July 31, 2010.

27 **SECTION 9.** The last paragraph of said section 4 of said chapter 114 is hereby amended
28 by striking out the words “December 31, 2009”, inserted by section 9 of said chapter 290, and
29 inserting in place thereof the following words:- July 31, 2010.

30 **SECTION 10.** The first paragraph of section 5 of said chapter 114 is hereby amended by
31 striking out the words “and until December 31, 2009”, inserted by section 10 of said chapter 290,
32 and inserting in place thereof the following words:- and until July 31, 2010.

SECTION 11. Section 13 of chapter 101 of the acts of 1992 is hereby amended by striking out the words “December 31, 2009”, inserted by section 11 of said chapter 290, and inserting in place thereof the following words:- July 31, 2010.

SECTION 12. Section 45 of chapter 139 of the acts of 2001 is hereby amended by striking out the words “December 31, 2010”, inserted by section 12 of said chapter 290, and inserting in place thereof the following words:- July 31, 2010.

SECTION 13. Section 20 of chapter 449 of the acts of 2006 is hereby amended by striking out the words “December 31, 2009”, inserted by section 13 of said chapter 290, and inserting in place thereof the following words:- July 31, 2010.

SECTION 14. Notwithstanding section 2 of chapter 128A of the General Laws and sections 1, 2 and 2A of chapter 128C of the General Laws or any other general or special law or rule or regulation to the contrary, the greyhound meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk county licensed to conduct live racing pursuant to chapter 128A of the General Laws and simulcast wagering pursuant to chapter 128C of the General Laws in calendar year 2009 shall remain in effect until July 31, 2010; provided, however, that the days between January 1, 2010, and July 31, 2010, shall be dark days pursuant to said chapter 128C and said licensees shall continue to be precluded from conducting live racing during that period; provided further, that all simulcasts shall comply with the Interstate Horse Racing Act of 1978, 15 U.S.C. Sec. 3001 et seq. or other applicable federal law; provided further, that all simulcasts from states which have racing associations that do not require approval in compliance with the Interstate Horse Racing Act of 1978, 15 U.S.C. Sec. 3004 (a) (1) (A) shall require the approval of the New England Horsemen's Benevolent and Protective

Association prior to being simulcast to a racing meeting licensee within the commonwealth; and provided further, that if the association agrees to approve the simulcast for 1 racing meeting licensee, it shall approve the simulcast for all otherwise eligible racing meeting licensees.

SECTION 15. Notwithstanding section 5 of chapter 128A of the General Laws or any other general or special law or rule or regulation to the contrary, the greyhound meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk county shall not be eligible for purse assistance pursuant to clause (6) of subsection (h) of said section 5 of said chapter 128A.

SECTION 16. Notwithstanding section 2 of chapter 128C of the General Laws or any other general or special law or rule or regulation to the contrary, the greyhound meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk county shall pay all premiums received pursuant to said section 2 of said chapter 128C to the Racing Stabilization Fund established in section 20.

SECTION 17. Notwithstanding chapter 128C of the General Laws or any other general or special law or rule or regulation to the contrary, simulcast revenues generated by the greyhound meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk county and otherwise dedicated to purse accounts at the licensees or to be distributed to breeders' associations at guest dog tracks shall be dedicated to the Racing Stabilization Fund established in section 20.

SECTION 18. Notwithstanding chapters 128A and 128C of the General Laws or any other general or special law or rule or regulation to the contrary, amounts from unclaimed winnings and breaks generated by the greyhound meeting licensee located in Bristol county and

the greyhound meeting licensee located in Suffolk county shall be dedicated to the Racing Stabilization Fund established in section 20.

SECTION 19. Notwithstanding any general or special law or rule or regulation to the contrary, the greyhound meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk county shall, unless otherwise provided in this act, be subject to chapter 128A of the General Laws, chapter 128C of the General Laws and chapter 139 of the acts of 2001.

SECTION 20. Notwithstanding any general or special law or rule or regulation to the contrary, there shall be established and set up on the books of the commonwealth a Racing Stabilization Fund that shall be administered by the executive office for administration and finance. The fund shall consist of all revenues dedicated pursuant to this act; provided, however, that in fiscal year 2010, the secretary of administration and finance shall transfer funds totaling not less than \$500,000 to the department of public health for a compulsive gamblers' treatment program; provided further, that the state racing commission, or a successor agency, shall report to the executive office for administration and finance and the house and senate committees on ways and means not later than the last day of each month, the projected program revenue, program expenses and operating costs associated with overseeing simulcasting through July 31, 2010. In the event of a deficit, the secretary of administration and finance may transfer funds not to exceed \$100,000 for the operating costs of the said commission. Any balance in the fund at the end of the fiscal year shall not revert to the General Fund.

SECTION 21. Notwithstanding section 12A of chapter 494 of the acts of 1978 or any other general or special law or rule or regulation to the contrary, on January 1, 2010, the

comptroller shall transfer all monies deposited in the Greyhound Capital Improvements Trust Fund and the Greyhound Promotional Trust Fund, each established under said section 12A of said chapter 494, to the Racing Stabilization Fund established in section 20. After January 1, 2010, the comptroller shall transfer any revenues deposited into the Greyhound Capital Improvements Trust Fund and the Greyhound Promotional Trust Fund into the Racing Stabilization Fund within 10 days after receipt of those revenues.

SECTION 22. Notwithstanding any general or special law to the contrary, the greyhound meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk county shall report monthly to the state racing commission, or a successor agency, on their net and gross revenue, including an itemization of premiums received, fees received and any amounts dedicated to purse accounts, the Greyhound Capital Improvements Trust Fund and the Greyhound Promotional Trust Fund. The report shall include the number of part-time and full-time staff employed by the licensees at the close of the previous month. The report shall also include the total amount of premiums paid to the harness horse meeting licensees located in Norfolk county and the running horse meeting licensee located in Suffolk county. Failure to file the report on the tenth day of each month shall be cause for suspension of the greyhound meeting license. The state racing commission, or a successor agency, shall forward all such reports to the house and senate committees on ways and means, the joint committee on economic development and emerging technologies and the joint committee on labor and workforce development.

SECTION 23. Notwithstanding any general of special law, rule or regulation to the contrary, monies in the Racing Stabilization Fund established in section 20 act may be used to assist efforts to secure alternative employment and retraining opportunities for displaced workers impacted by the passage of chapter 388 of the acts of 2008 including, but not limited to,

122 coordinating the delivery of available state and federal resources and services; provided,
123 however, that such funds from the fund shall only be expended after all federal funds from the
124 Workforce Investment Act and the American Reinvestment and Recovery Act have been
125 exhausted; provided further, that the secretary of labor and workforce development shall develop
126 a plan to implement this section and submit a copy of the plan to the house and senate
127 committees on ways and means, the joint committee on economic development and emerging
128 technologies and the joint committee on labor and workforce development Not later than
129 December 15, 2009.

130 **SECTION 24.** This act shall expire on July 31, 2010.